

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ADAM ROMANOWICZ,

Plaintiff,

v.

Cause No. 1:21-cv-946

WILDEARTH GUARDIANS and CAROL
NORTON,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff ADAM ROMANOWICZ by and through his undersigned counsel, brings this Complaint against Defendants WILDEARTH GUARDIANS and CAROL NORTON for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff ADAM ROMANOWICZ (“Romanowicz”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Romanowicz's original copyrighted Work of authorship in his Work.

2. Shooting the world since 1997, Romanowicz strives to create a strong sense of place in his travel related fine art photographs. The idea is to make the viewer feel that they are literally standing in the image rather than just looking at it. Other than travel, photo interests include aviation, underwater, and macro. Romanowicz is also getting into digital art, focusing on the surreal 3D world. Romanowicz's archival quality prints can be purchased directly from his fine art gallery at AdamRomanowicz.com, and can be printed on various fine art papers, canvas, and acrylic, framed or unframed. His images have been exhibited in galleries and juried shows around Chicagoland. In addition to fine art prints, Romanowicz offers a large collection of

editorial and commercial stock photography. Stock images are available for license on his award winning website, 3scape.com.

3. Defendant WILDEARTH GUARDIANS (“WildEarth”) protects and restores wildlife, wild places, wild rivers and health of the American West. WildEarth regularly engages in litigation around the United States in states including Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah and Washington. At all times relevant herein, WildEarth operated the internet website located at the URL www.wildearthguardians.org (the “Website”).

4. Defendant Carol Norton (“Norton”) is a director of WildEarth and the registrant of the Website.

5. Defendants WildEarth and Norton are collectively referred to herein as “Defendants.”

6. Romanowicz alleges that Defendants copied Romanowicz's copyrighted Work from the internet in order to advertise, market and promote their business activities. Defendants committed the violations alleged in connection with Defendants’ business for purposes of advertising and promoting sales to the public in the course and scope of the Defendants’ business.

JURISDICTION AND VENUE

7. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

8. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

9. Defendants are subject to personal jurisdiction in New Mexico.

10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

DEFENDANTS

11. WildEarth Guardians is a New Mexico non-profit corporation, with its principal place of business at 301 North Guadalupe, Suite 201, Santa Fe, New Mexico, 87501, and can be served by serving its Registered Agent, Mr. John Horning, 112B Arroyo Hondo Road, Santa Fe, New Mexico, 87508.

12. Carol Norton is an individual residing in Santa Fe county, state of New Mexico and can be served at 369 Montezuma Avenue, #159, Santa Fe, New Mexico, 87501.

THE COPYRIGHTED WORK AT ISSUE

13. In 2004, Romanowicz created the photograph entitled Manti-LaSal National Forest, which is shown below and referred to herein as the “Work”.



14. Romanowicz registered the Work with the Register of Copyrights on April 17, 2017 and was assigned the registration number VA 2-050-255. The Certificate of Registration is attached hereto as Exhibit 1.

15. At all relevant times Romanowicz was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANTS

16. Defendants have never been licensed to use the Work at issue in this action for any purpose.

17. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendants copied the Work.

18. On or about January 3, 2019, Romanowicz discovered the unauthorized use on the Website in an article dated July 16, 2018 entitled “Guardians Thwarts Mine Expansion in Utah National Forest.”

19. Defendants copied Romanowicz's copyrighted Work without Romanowicz's permission.

20. After Defendants copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of their non-profit wildlife protection business.

21. Defendants copied and distributed Romanowicz's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

22. Romanowicz's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

23. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

24. Romanowicz never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

25. Romanowicz notified Defendants of the allegations set forth herein on November 15, 2020. To date, the parties have failed to resolve this matter. Copies of the Notices to Defendants are attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

26. Romanowicz incorporates the allegations of paragraphs 1 through 25 of this Complaint as if fully set forth herein.

27. Romanowicz owns a valid copyright in the Work at issue in this case.

28. Romanowicz registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

29. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Romanowicz's authorization in violation of 17 U.S.C. § 501.

30. Defendants performed the acts alleged in the course and scope of its business activities.

31. Defendants' acts were willful.

32. Romanowicz has been damaged.

33. The harm caused to Romanowicz has been irreparable.

WHEREFORE, the Plaintiff Adam Romanowicz prays for judgment against the Defendants WildEarth Guardians and Carol Norton that:

a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendants be required to pay Plaintiff his actual damages and Defendants' profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

ATTESTATION OF ASSOCIATION OF ATTORNEY LICENSED OUTSIDE THE DISTRICT

The undersigned does hereby certify that Jonah A. Grossbardt is associating with the undersigned local counsel, that Mr. Grossbart is a member in good standing of the Bar of the State of California and the United States District Courts for the Central, Eastern, Northern and Southern Districts of California.

DATED: September 27, 2021

Respectfully submitted,

/s/ Matthew A. Pullen

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